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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,395	12/19/2005	Francois Dronne	T2151-10156US01	8482
181	7590	07/06/2007	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			WENDELL, ANDREW	
		ART UNIT		PAPER NUMBER
		2618		
		MAIL DATE		DELIVERY MODE
		07/06/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,395	DRONNE ET AL.	
	Examiner	Art Unit	
	Andrew Wendell	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 6-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Immonen et al. (US Pat# 7,010,305).

Regarding claim 1, Immonen's method for assigning values of service attributes to transmissions teaches quality of service management method in a packet mode mobile communication network (Fig. 1), characterized in that, in order for a service to be executed by a subscriber to the network to which a data stream corresponds, it includes a stage that consists in determining an overall priority level associated to the data stream based on at least one quality of service parameter corresponding to a subscriber priority level and at least one quality of service parameter related to the type of service (Col. 8 line 24-Col. 9 line 13).

Regarding claim 2, Immonen teaches a stage that consists in determining, based on the overall priority level, at least one quality of service process to be applied to the data stream (Col. 8 line 24-Col. 9 line 13).

Regarding claim 3, Immonen teaches a stage that consists in, in the case of a network overload, applying the quality of service process to the data stream, taking into account the overall priority level related to this data stream and the overall priority levels related to the data streams that correspond to other subscribers found on the network ("allocation/retention priority," Col. 8 line 24-Col. 9 line 13).

Regarding claim 4, Immonen teaches a data stream is determined according to a table (Col. 7 lines 22-56) that specifies an overall priority level value for each combination of the two quality of service parameters that correspond, respectively, to a subscriber priority level and a service type (Col. 8 line 24-Col. 9 line 13).

Regarding claim 5, Immonen teaches that the network is managed by an operator, and the overall priority levels can be configured by the network operator 12 (Fig. 1).

Regarding claim 7, Immonen teaches the quality of service parameter that corresponds to the subscriber priority level used for determining the overall priority level includes one of the parameters of the group that includes: the "Allocation Retention Priority" quality of service parameter (Col. 8 line 57), the quality of service sub-parameters and parameters are defined within the framework of the 3GPP telecommunications standard (Col. 10 lines 30-40).

Regarding claim 8, Immonen teaches the quality of service parameter related to the type of service used to determine the overall priority level includes the "Traffic Class" quality of service parameter (Col. 9 lines 14-32), defined within the framework of the 3GPP telecommunications standard (Col. 10 lines 30-40).

Regarding claim 9, Immonen teaches the quality of service parameter related to the type of service used to determine the overall priority level further includes the "Traffic Handling Priority" quality of service parameter (Col. 9 lines 14-32), defined within the framework of the 3GPP telecommunications standard to associate a priority level to the data stream on the network when the data stream corresponds to an interactive type service (Col. 10 lines 30-40).

Regarding claim 10, Immonen teaches the execution of a service by a subscriber of the network to which a data stream corresponds, in order to determine an overall priority level associated to the data stream according to at least one quality of service parameter that corresponds to a subscriber priority level and at least one quality of service parameter related to the type of service (Col. 8 line 24-Col. 9 line 13).

Regarding claim 11, Immonen teaches according to the overall priority level associated with a data stream, at least one quality of service process to be applied to this data stream (Col. 8 line 24-Col. 9 line 13).

Regarding claim 12, Immonen teaches a quality of service process to a data stream, whilst taking into account the overall priority level associated to this data stream and the overall priority levels associated to the data streams that correspond to other subscribers on the network ("allocation/retention priority," Col. 8 line 24-Col. 9 line 13).

Regarding claim 13, Immonen teaches a behavior table (Col. 7 lines 22-56) that specifies a value of the overall priority level for each combination of the two quality of

service parameters corresponding, respectively, to a subscriber priority level and a type of service (Col. 8 line 24-Col. 9 line 13).

Regarding claim 14, Immonen teaches that the network is managed by an operator, and the overall priority levels can be configured by the network operator 12 (Fig. 1).

Regarding claim 15, Immonen teaches service node (SGSN, Fig. 1) of a core network (Fig. 1) that ensures the management of the communication link with the access network (Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen et al. (US Pat# 7,010,305) in view of Jouppi et al. (US Pat# 7,031,718).

Regarding claim 6, Immonen's method for assigning values of service attributes to transmissions teaches the mobile network includes a core network (Fig. 1) and an access network (Fig. 1) and is implemented by at least some nodes of the group that includes a service node (SGSN, Fig. 1) of the core network that ensures the management of the communication link with an access network (Fig. 1). Immonen fails to teach a service node and an access network radio resource.

Jouppi's method for selecting a quality of service teaches a service node (GGSN, Fig. 1a) of the core network that ensures the interconnection with an external network, and a management node of the access network radio resources (BTS and BSC, Fig. 1a).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a service node and an access network radio resource as taught by Jouppi into Immonen's wireless communication in order to improve quality of service (Col. 6 lines 19-25).

Regarding claim 16, the combination including Jouppi teaches a service node (GGSN, Fig. 1a) of a core network (Fig. 1a) that ensures the interconnection with an external network.

Regarding claim 17, the combination including Jouppi teaches a radio resource management node (BTS and BSC, Fig. 1) of an access network.

Response to Arguments

Applicant's Remarks	Examiner's Response
"First, neither a service attribute nor the quality of service profiles, as in Immonen, constitute an overall priority level."	Immonen does teach an overall priority level. The overall priority level ("parameter decision," Fig. 1) is based on the service parameter corresponding to a subscriber priority level ("QoS request" and "Max QoS profile," Fig. 1) and quality of service parameter related to a type of service

	(SGSN capacity to handle the priority request).
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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Wendell
Andrew Wendell
Examiner
Art Unit 2618

6/12/2007

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NAY MAUNG
SUPERVISORY PATENT EXAMINER